

1 Mark A. Pals, P.C. (*pro hac vice*)
 2 mpals@kirkland.com
 3 Marcus E. Sernel (*pro hac vice*)
 4 msernel@kirkland.com
 5 KIRKLAND & ELLIS LLP
 6 300 North LaSalle
 7 Chicago, IL 60654
 8 (312)862-2000 (o); (312)862-2200 (f)

9 David I. Gindler (SBN 117824)
 10 dgindler@irell.com
 11 Joseph M. Lipner (SBN 155735)
 12 jlipner@irell.com
 13 IRELL & MANELLA, LLP
 14 1800 Avenue of the Stars
 15 Los Angeles, CA 90067
 16 (310)277-1010 (o); (310)203-7199 (f)

17 Daralyn J. Durie (SBN 169825)
 18 ddurie@durietangri.com
 19 Mark Lemley (SBN 155830)
 20 mlemley@durietangri.com
 21 DURIE TANGRI LLP
 22 217 Leidesdorff Street
 23 San Francisco, CA 94111
 24 (415)362-6666 (o); (415)236-6300 (f)

25 Attorneys for CITY OF HOPE

26 Attorneys for GENENTECH, INC.

27 **UNITED STATES DISTRICT COURT**
 28 **CENTRAL DISTRICT OF CALIFORNIA**
 29 **WESTERN DIVISION**

30 CENTOCOR ORTHO BIOTECH, INC.,	31 } Case No. CV 08-03573 MRP (JEMx)
32 Plaintiff,	33 } The Honorable Mariana R. Pfaelzer
34 v.	35 }
36 GENENTECH, INC. AND CITY OF	37 }
38 HOPE,	39 }
40 Defendants.	41 }
42 GENENTECH, INC. AND CITY OF	43 }
44 HOPE,	45 } DECLARATION OF MARCUS E.
46 Counter-Plaintiffs	47 } SERNEL IN SUPPORT OF
48 v.	48 } DEFENDANTS' EX PARTE
49 CENTOCOR ORTHO BIOTECH, INC.,	50 } APPLICATION FOR
51 AND Counter-Defendant	51 } PROTECTIVE ORDER
52 GLOBAL PHARMACEUTICAL	52 } PROHIBITING THE
53 SUPPLY GROUP, LLC, CENTOCOR	53 } DEPOSITION OF GENENTECH
54 BIOLOGICS, LLC, AND JOM	54 } COUNSEL JEFFREY KUSHAN;
55 PHARMACEUTICAL SERVICES, INC.,	55 } AND OPPOSITION TO
56 Third-party Defendants.	56 } PLAINTIFF'S EX PARTE
	57 } APPLICATION FOR LEAVE TO
	58 } TAKE DEPOSITION OF
	59 } WITNESS JEFFREY KUSHAN
	60 } AFTER DISCOVERY CUT-OFF
	61 Date: TBD
	62 Time: TBD
	63 Place: Courtroom 12

1 I, Marcus E. Sernel, declare:

2 1. I am a partner at Kirkland & Ellis LLP, the law firm representing Genentech,
3 Inc. in the above captioned matter.

4 2. This declaration is based on my personal knowledge, and I would testify to the
5 matters set forth in this declaration if called upon as a witness.

6 3. Attached hereto as Exhibit 1 is a true and correct copy of Supplemental
7 Response to Genentech's Interrogatories NOS. 16 & 17.

8
9 I declare under the penalty of perjury, that the foregoing is true and correct.
10 Executed this 28th day of April, 2010 in Chicago, Illinois.

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12 /s/ Marcus E. Sernel
13 Marcus E. Sernel
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